

1. The following is an examiner's statement of reasons for allowance:
2. The instantly claimed invention is free of the prior art. Each of the pending claims requires determining a level of RNA encoded by each gene in a set of genes, wherein the set of genes requires each of those listed in the claims. The prior art, at the time the invention was made provided examples of methods which screened blood samples to identify particular genes as makers of a disease or stage thereof (see Cocks et al. and Sharma et al., previously cited). Both Sharma et al. and Ralph et al. (also previously cited) teach that disease markers can be identified in blood samples via the analysis of differentially expressed genes in the blood. Sharma et al. specifically teaches that from the very early stages of disease the whole organism response to the changed condition, and that these changes may be observed by expression patterns in the blood (p. 7, 10, and 35, for example). At the time the invention was made, methods for high throughput gene expression analysis using microarrays were available to those of skill in the art. For example, Cocks et al. (US 6,607,879 B1) teach a microarray comprising a plurality of polynucleotide probes that they teach is useful for identifying markers of disease in the blood of individuals. In addition, Affymetrix had available for sale a microarray that allowed one to monitor the relative abundance of 6,800 full length genes (the Hu6800 Array). However, none of these provide a method which comprises the providing of levels of RNA encoded by the each and every one of the particular set of genes recited in the instant claims. Because this element is not provided in the prior art, the claimed methods are free of the prior art.
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

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Allowance.”

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliet C Switzer whose telephone number is (571) 272-0753. The examiner can normally be reached on Monday or Tuesday from 8:30 AM until 5:00 PM, or on Wednesday from 8:00 AM until 1:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen can be reached by calling (571) 272-0731.

The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-0507.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also

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For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

/Juliet C. Switzer/
Primary Examiner
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December 1, 2009